

REAL ESTATE & FACILITIES FEDERAL ACQUISITION REGULATION SUPPLEMENT

PART 236—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

SUBPART 236.1—GENERAL

236.104 Policy.

REFCO Form 41, Delivery Order, Construction Contract File Content Index shall be used as the file content index for all delivery orders issued under construction type contracts. The form shall be placed on the inside front flap of the delivery order file.

SUBPART 236.2—SPECIAL ASPECTS OF CONTRACTING FOR CONSTRUCTION

236.201 Evaluation of contractor performance. (DFARS)

236.201-90 Performance reports (SF 1420) for RE&F construction contracts.

(a) In addition to the final report, the COR designated for the contract shall prepare the performance report. The performance report shall be prepared whenever the contractor's performance has been generally unsatisfactory for any period of time and may affect the overall contract performance. Upon improvement in the contractor's performance, a new performance report shall be prepared.

(b) The Contracting Officer shall review and approve performance reports prepared by the COR. The Contracting Officer shall advise the contractor of all unsatisfactory evaluations, and allow the contractor to submit comments.

(c) The Contracting Officer shall use the performance information in the U.S. Army Corps of Engineers Construction Contract Administration Support System for assessing responsibility on construction contracts expected to exceed \$1,000,000. This information is available at <http://www.nwp.usace.army.mil/ct/i/welcome.htm>. In addition, the Contracting Officer may consider using the performance record for lower value contracts and to assess past performance.

236.201-91 Tracking of progress on construction contracts.

Contract administrators shall require the contractors to complete a contract progress schedule, for any contract for which the performance period exceeds 60 days. The REFCO Form 29, Contract Progress Report, will be completed by both the contractor and the Contracting Officer's Representative (COR) or inspector to track contractor progress at two-week intervals. These progress reports will be used to determine percentage of payment due. If there is more than a 5% variance between the contractor report and the government report, the contract

administrator shall take action to resolve the difference. The REFCO Form 31, Final Inspection - Punch List Items, shall be used to document discrepancies needing correction before final acceptance.

236.201-92 Material and workmanship.

Use REFCO Form 30, Material Approval Submittal, to document the approval or disapproval of materials that are to be incorporated into the work required by the contract.

236.203 Government estimate of construction costs.

(c) No information about the Government's estimate may be released unless approved by the Contracting Officer.

236.205 Statutory cost limitations.

(b) State the amount of statutory or other cost limitations in block 17 of the Standard Form 1442 for lump sum bids or offers. For contractual actions containing separate line items, the statutory cost limitation shall be stated in the Schedule of prices.

(d) When statutory cost limitations exist, additive and/or deductive bid items may be used. If used, the procedures at DFARS 236.303-70 must be followed.

236.210 Inspection of Site and Examination of Data.

REFCO Form 16, Record of Site Visit, shall be used to document the site inspection.

SUBPART 236.6—ARCHITECT-ENGINEER SERVICES

236.602 Selection of firms for architect-engineer contracts.

236.602-1 Selection criteria. (DFARS)

(4) Contracting Officers shall use the performance information in the U.S. Army Corps of Engineers Architect-Engineer Contract Administration Support System for evaluating the performance of A-E firms expected to exceed \$1,000,000. This information is available at <http://www.hq.usace.army.mil/CEMP/E/ES/CCA/SSWEB/index.htm>. Contracting Officers may also use other information to assess past performance, provided the information is documented, relevant, and fairly developed.

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(6) The Contracting Officer shall provide to the HCA, as the selection authority, a summary of the past performance data identified in paragraph (4) above, along with the estimated contract price (including options, if any), and the initial number of firms responding to the solicitation. Additionally, for those firms included in the final selection list, the Contracting Officer shall identify the location of the firm, the dollar amount of contracts with DOD in the last 12 months, and the size of the business.

236.602-2 Evaluation boards.

(a) RE&F customers may be invited to nominate representatives to the board for their projects who have experience in architecture, engineering, construction, or related disciplines.

236.602-4(S-90) Selection Authority for RE&F. (DFARS)

(a) The Director, RE&F shall make the final selection decision on RE&F A-E contracts.

236.602-5 Short selection processes for contracts not to exceed the simplified acquisition threshold.

The two short selection procedures described at FAR 36.602-5 are authorized for use by RE&F.

236.604 Performance evaluation.

236.604(S-90) Performance evaluation (DD 2631) for RE&F architect-engineer contracts.

(a) For RE&F, the COR assigned to the contract shall prepare the DD 2631. The Contracting Officer shall review and approve all performance reports and ensure that the requirements of FAR 36.604 and DFARS 236.604 are met.